

U.S. Application No. 09/545,172

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REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-5 and 12-19 remain withdrawn from consideration, claims 30 and 32 have been canceled, and claims 33-34 have been added. Thus, claims 6-11, 20-29, 31, and 33-34 are pending. Of the pending claims, claims 6, 20, 25, 29, and 31 are independent.

FORM 1449 ACKNOWLEDGMENT REQUESTED

It is noted that Applicants have not yet received initialed copy of the PTO-1449, filed on May 10, 2003, for the present application. Applicants respectfully request that such form be provided.

SCOPE OF CLAIMS NOT ALTERED

Some claims have been amended merely to address informal issues and to enhance clarity. It is intended that the scope of the claims remain substantially the same.

OBJECTION TO THE SPECIFICATION

Claim 26 is objected to for minor informalities. See November 3<sup>rd</sup> Office Action, page 2, item 3. The claim has been amended as suggested. Applicants respectfully request that the objection to the specification be withdrawn.

§ 103 REJECTION - SUZUKI, KAMIKURA

Claims 6-11 and 20-32 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Suzuki et al. (USPN 6,031,575, hereinafter "Suzuki") in view of Kamikura et al. (USPN 6,266,370, hereinafter "Kamikura").

With regard to claims 30 and 32, the rejection has been rendered moot. With regard to the remaining claims, Applicants respectfully traverse.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. See *M.P.E.P.* 2142. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. See *M.P.E.P.* 2142; *M.P.E.P.* 706.02(j). Thus, if the cited references fail to teach or

suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, independent claim 6 recites, in part, "the display speed information being included as a codeword in the header information area for a layer that is above a VOP layer and comprises a plurality of VOPs, to indicate a number of VOPs displayed per a unit time." Independent claims 20, 25, and 29-32 recite a similar feature.

Contrary to the assertion made in the November 3<sup>rd</sup> Office Action, Suzuki and Kamikura cannot be relied upon to teach or suggest the above-recited feature. In the November 3<sup>rd</sup> Office Action, it is alleged that column 46, lines 48-53 of Suzuki teaches the above-recited feature. More specifically, it is stated that "Suzuki discloses header information of the displaying timing of a VOP is indicated by a flag called VOP\_temp\_ref, an indicator for time interval from displaying time of a previous VOP." See November 3<sup>rd</sup> Office Action, page 3, item 2, third paragraph.

The particular portion of Suzuki relied upon refers to Figure 32. Suzuki states "FIG. 32 shows header information associated with a VOP layer." *Emphasis added; See Suzuki,*

column 46, lines 48-49. In other words, the header shown in Figure 32 is the header for the VOP itself. Suzuki is completely silent regarding any header information area for layers above the VOP layer. *Emphasis added.*

It appears that the weakness of such argument is recognized. In the November 3<sup>rd</sup> Office Action, it is admitted that Suzuki does not specifically disclose "a layer that is above a VOP." See November 3<sup>rd</sup> Office Action, page 4, second paragraph. However, it is asserted that Figure 33B does indicate that the "layer above a VOP" is a VOL. The alleged justification for this interpretation is that Figure 33B shows displaying multiple VOPs in a single instance of time, and thus grouping of VOPs is considered.

It is important to note the following. The only portion of Suzuki that may even be remotely considered to discuss such grouping of VOPs is as follows. Suzuki specifically states "it is required that all VOPs, which are to be displayed at a particular time, have already been decoded before that particular time." See Suzuki, column 46, lines 62-64. Suzuki further states, "it is needed that VOPs which are to be

displayed at the same time ... should be transmitted all at once." See Suzuki, column 46, lines 65 - column 47, line 4.

Thus, even if Suzuki can be interpreted to discuss grouping of VOPs, at best such grouping is accomplished simply by transmitting all VOPs to be displayed at the same time in a single bit stream. There is simply no discussion regarding using any layer above the VOP layer at all in Suzuki for such grouping.

Thus, contrary to the assertion made in the November 3<sup>rd</sup> Office Action, presence of layers above VOPs is not obvious to one of ordinary skill based on Suzuki's discussion. Then it naturally follows that having a header information area for a layer above the VOPs would not be obvious. Taking this further, the specifics of the information kept, such as the display speed information, in the header information area would not be obvious.

The deficiencies of Suzuki cannot be cured by Kamikura. It is asserted Kamikura teaches that in the MPEG-4 standard, VOL is a collection of VOPs and refers to column 10, line 66 - column 11, line 15 and Figure 9 for support.

Kamikura suffers from a similar deficiency as Suzuki. The particular portions of Kamikura relied upon merely teaches that

MPEG-4 is a layered structure. More specifically, Kamikura states that video image is composed of one or more video objects; that each video object is composed of one or more video object layers; and that each video object layer is composed of a collection of video object planes. See *Kamikura*, column 10, line 66 - column 11, line 14.

However, Kamikura is absolutely silent regarding specific structure of each layer. There is no discussion regarding headers and no discussion regarding contents of the headers for each layer. Thus, Kamikura cannot cure the deficiencies of Suzuki.

Suzuki also fails to teach or suggest "display speed information ... to indicate a number of VOPs displayed per a unit time." As admitted in the November 3<sup>rd</sup> Office Action, Suzuki merely states that VOP\_temp\_ref merely indicates "a time interval from the displaying time of a previous VOP." See *Suzuki*, column 46, lines 50-51. This cannot be reasonably interpreted in any manner as being equivalent to "indicate a number of VOPs displayed per a unit time." Kamikura was not, and indeed cannot be, relied upon to cure this deficiency of Suzuki.

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Therefore, for at least the reasons stated above, independent claims 6, 20, 25, 29, and 31 are distinguishable over the combination of Suzuki and Kamikura. Claims 7-11, 21-24, and 26-28 depend from claims 6, 20, and 25 directly or indirectly. Therefore, for at least the reasons stated with respect to the independent claims, these dependent claims are also distinguishable over the combination of Suzuki and Kamikura.

Applicant respectfully requests that the rejection of claims 6, 20, 25, 29, and 31, based on the combination of Suzuki and Kamikura, be withdrawn.

#### NEW CLAIMS

Claims 33-34 have been added through this reply. These claims are allowable over the cited references at least due to their dependency on allowable independent claims. Applicant respectfully requests that the claims be allowed.

#### CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there

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be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

**Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee is attached hereto.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.


Respectfully submitted,

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1163-0268P

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Attachment(s):